

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT HAZLETT,

Plaintiff,

v.

ROBERTA RAZKOWSKI, et al.,

Defendants.

Civil Action No. 09-227 Erie

MEMORANDUM ORDER

This action was received by the Clerk of Court on August 28, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 28], filed on February 1, 2011, recommended that Defendants' motion for summary judgment [ECF No. 18] be granted in part and denied in part. Specifically, the Magistrate Judge recommended that the motion be granted as to the false arrest portion of the § 1983 claim and denied as to the excessive force portion of the claim. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 22nd day of February, 2011;

IT IS HEREBY ORDERED that the Defendants' motion for summary judgment [ECF No. 18] is GRANTED in part and DENIED in part. Specifically, the motion is GRANTED as to the false arrest portion of the § 1983 claim and DENIED as to the excessive force portion of the claim.

The Report and Recommendation [ECF No. 28] of Magistrate Judge Baxter, filed on February 1, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge